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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/134,854	08/14/1998	DAVID MILLER	97482	8543

7590 11/05/2002

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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/134,854

Applicant(s)

Miller et al.

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 21, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 14-18, 20-23, 74-79, 83, and 84 is/are pending in the application.
- 4a) Of the above, claim(s) 74-78 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-18, 20-23, 79, 83, and 84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. The amendments filed May 3, 2002 and August 21, 2002 have been entered. It is noted that in view of the new amendment practice under 37 CFR 1.121 which became mandatory for all amendments on March 1, 2001, and due to the limited amount of examining time per application, if the amendment contains changes to existing language that requires a marked-up version showing those changes, the Examiner is relying upon the marked-up version(s) for examination of the application. It is applicant's responsibility to ensure that the clean version(s) is (are) the same as the marked-up version(s). It is further noted that the clean version(s) is (are) considered to be the Official version(s).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-8, 14 and 79 rejected under 35 U.S.C. 103(a) as being unpatentable over Delta model 36-906 (hereafter Delta '906).

Delta '906 discloses a workpiece guide with almost every structural limitation of the claimed invention including threaded members (e.g., C, D) having a base portion and a head portion. Delta '906 lacks an adjustment mechanism as claimed. However, the Examiner takes Official notice that such adjustment mechanisms are old and well known in the art and provide well known benefits including making fine adjustments of the fence to facilitate operation thereof. Therefore, it would have been obvious to one having ordinary skill in the art to provide an adjustment mechanism as claimed in the device of Delta '906 for the well known benefits including those described above.

Further, in the alternative, if it is argued that Delta '906 does not disclose a body portion on the threaded member, the Examiner's takes Official notice that such features are old and well known in the art for various known reasons including providing a flat surface of a material that is sufficiently soft so as not to mar the corresponding guide rail. Therefore, it would have been obvious to one having ordinary skill in the art to provide base portions on the threaded members of Delta '906 for the well known reasons including that described above.

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4. Claims 15-23, 83 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delta model 36-906 (hereafter Delta '906) in view of Hughes et al., pn 4,964,450 and Boice, pn 2,166,703

Delta '906 discloses a saw with a workpiece guide (e.g., in Figure 47), wherein the saw includes almost every structural limitation of the claimed invention but lacks an outfeed rail. Hughes et al. discloses that it is old and well known to provide two guide rails for various well known benefits including added guide stability. Therefore, it would have been obvious to one having ordinary skill in the art to provide a second guide rail on the device of Delta '906 for the well known benefits including that described above.

Additionally, Delta '906 lacks an adjustment mechanism as claimed. However, the Examiner takes Official notice that such adjustment mechanisms are old and well known in the art and provide well known benefits including making fine adjustments of the fence to facilitate operation thereof. Therefore, it would have been obvious to one having ordinary skill in the art to provide an adjustment mechanism as claimed in the device of Delta '906 for the well known benefits including those described above.

Regarding claim 15, Delta '906 discloses a saw (e.g., in Figure 47) with a workpiece guide comprising an infeed extension including at least one infeed work support surface (e.g., the boss areas surrounding threaded members C and D), wherein the infeed work support surface is substantially coplanar with the work surface of the saw. However, the Examiner takes Official notice that it is old and well known in the art to provide a surface or surfaces on a work piece guide that is/are substantially coplanar with the work surface of the saw so as to provide

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additional stability to the work piece upon operation thereof. Therefore, it would have been obvious to one having ordinary skill in the art to make the surfaces of the boss areas, or the surface of the infeed extension in general, substantially coplanar with the work surface of the saw for the well known benefits including that described above.

Regarding claims 21-23, if it is argued that Delta '906 does not disclose a body portion on the threaded member, the Examiner's takes Official notice that such features are old and well known in the art for various known reasons including providing a flat surface of a material that is sufficiently soft so as not to mar the corresponding guide rail. Therefore, it would have been obvious to one having ordinary skill in the art to provide base portions on the threaded members of Delta '906 for the well known reasons including that described above.

Response to Arguments

5. Applicant's arguments filed May 3, 2002 have been fully considered but they are not persuasive.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3590; informal/draft papers - (703)305-9835.

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', is positioned above the printed name.

Clark F. Dexter
Primary Examiner
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cfd
November 4, 2002